

**MEMORANDUM**

TO: District of Columbia Zoning Commission

FROM: Jennifer Steingasser, Deputy Director Development Review & Historic Preservation

DATE: February 5, 2010

SUBJECT: Setdown Report for Broadcast Center One - ZC Case No. 07-07B
Major Modification to approved Consolidated Planned Unit Development and Map Amendment

SUMMARY RECOMMENDATION

The Office of Planning recommends that the application be **set down** for public hearing.

APPLICATION

Broadcast Center Partners, LLC, the applicant, has petitioned the Zoning Commission for a major modification to a PUD for Broadcast Center One, ZC Case No. 07-07, a proposed mixed-use building. Briefly, the application proposes a redistribution of the retail, residential and office uses within the building and an increase in the number of on-site parking spaces from that which was approved by the Commission. No changes to building height, lot occupancy or total FAR are requested, although a change to the amount of floor area devoted to either commercial or residential uses is proposed. Additional relief is required to reduce the minimum requirement of 50 percent ground level commercial or arts related uses to 41 percent.

ZC Order No. 07-07, which approved the PUD, expired on January 25, 2010. A separate application, ZC Case No. 07-07A, was timely filed by the applicant on January 22, 2010, requesting a two-year time extension on the expiration of that order. That case is scheduled for consideration by the Commission on March 8, 2010.

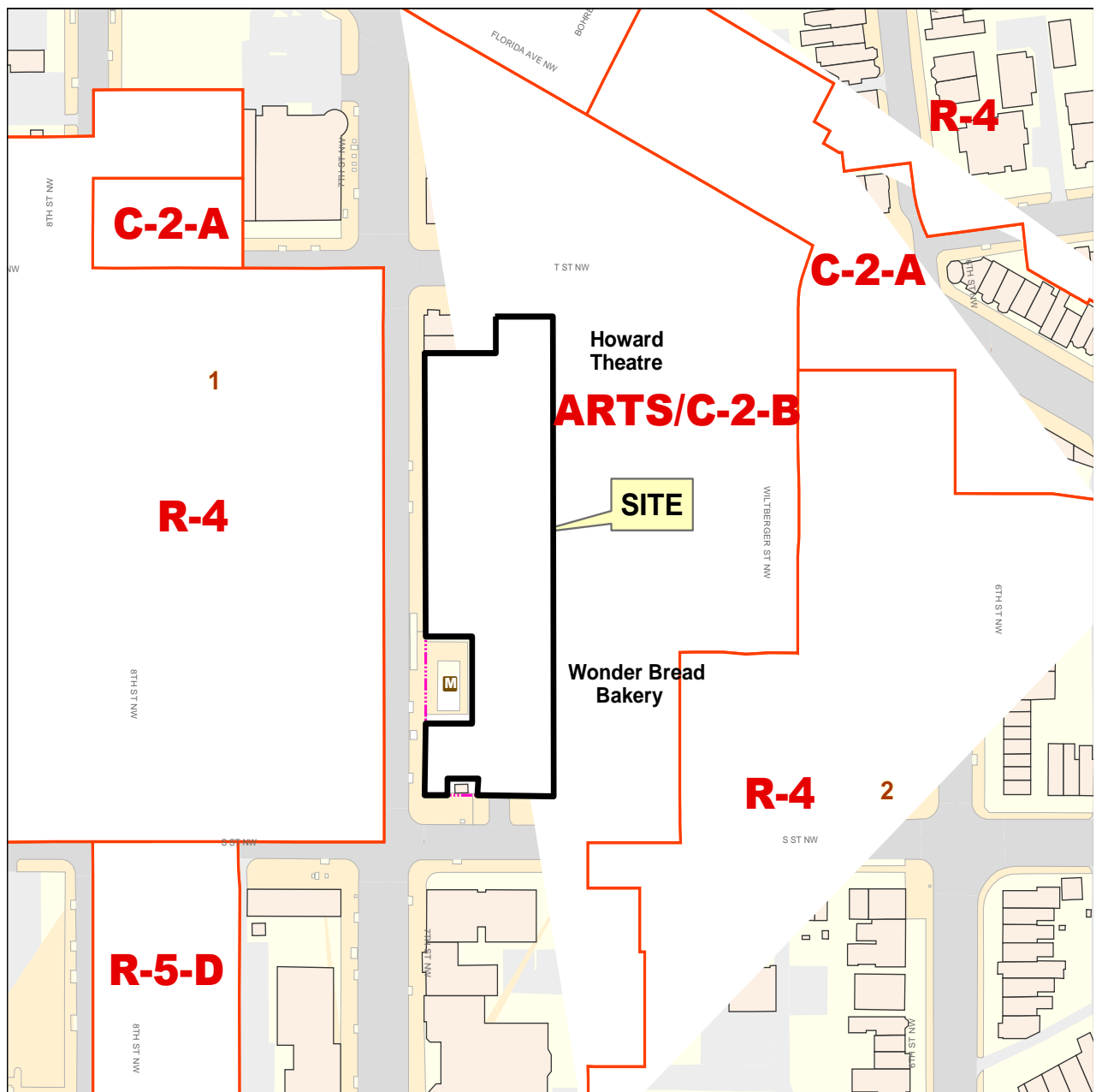
DESCRIPTION OF THE SITE AND SURROUNDING AREA

The site contains approximately 50,833 square feet of lot area, and consists of Square 441, Lots 21, 66, 97, 814, 815, 855 and 857. It is located on the east side of 7th Street, N.W., between S Street and T Street. Not included are two lots in the northwest corner of the square, in the southeast corner of the intersection of 7th and T, and two WMATA properties in the vicinity of the northeast corner of 7th and S Street. The two WMATA properties are the escalator entrance to the Shaw/ Howard University station on 7th Street and the elevator access to the station on S Street. The Commission may note that the size of the property as reported has decreased by 229 square feet since the PUD was originally approved. This is due to a resurvey of the site and the creation of a tax lot for each of the WMATA facilities. A record lot of the subject property would have to be created prior to the issuance of any permits for this project. With the exception of two-story historic commercial structures on 7th Street near T Street, the site is vacant. To the east, across the public alley, are the historic Howard Theatre and the former Wonder Bread Bakery.

The site is covered by two small area plans; the "DUKE" Plan for Greater Shaw/U Street, and the Convention Center Area Strategic Development Plan. Both plans recommend a mixed-use project at this location, preferably one that incorporates or supports the redevelopment of the Howard Theatre.

The site and properties to the north, south and east are zoned ARTS/C-2-B. The square to the west, across 7th Street, is zoned R-4.





Zoning and Vicinity Map

DETAILS OF THE PROPOSED MODIFICATIONS TO THE APPROVED PUD

The subject application proposes a major modification to the PUD as it was approved by the Zoning Commission under Order 07-07. Those changes include proposals to:

1. Reduce the residential square footage by 55,830 square feet and reduce the number of apartment units by 55 to 125.
2. Maintain a minimum 25 percent of the dwelling units as affordable, but increase the total number of “work-force units” as required by the Department of Housing and Community Development (DHCD) by four. Nineteen percent of the revised residential GFA would be provided as affordable.

3. Reduce the amount of retail, service and arts-related uses square footage by 1,125 square feet. Some of the retail space would be relocated from the commercial portion of the building to the ground-level of the residential component.
4. Reduce the ground-level FAR devoted to retail, service and arts-related uses from 0.50, the minimum required by the ARTS Overlay District, to 0.41. The decrease in ground-level commercial space would be converted to office space. Additional FAR devoted to retail, service and arts-related uses added to the mezzanine level would increase the total FAR devoted to those uses to 0.46. The new mezzanine-level retail FAR would be 2,328 square feet in area.
5. Increase the square footage devoted to office space by 56,955 square feet to 160,038 square feet.
6. Increase the number of off-street parking spaces from 177 to 194, including the provision of approximately 30 tandem spaces. None of the tandem spaces would be provided to satisfy the parking requirements of the Zoning Regulations.
7. Realign the core elements of the building, including stairwells, elevator shafts and roof structures to accommodate the proposed changes to the building. This realignment would affect the design of the green roof.

The applicant continues to propose to construct a 90-foot high mixed-use building with an FAR of 6.3 and a lot occupancy of 88 percent. Two levels of underground parking would still be provided. The building would house the headquarters of Radio One, which would relocate into the District, and an office of the United Negro College Fund (UNCF.) UNCF has signed a letter of intent with the applicant to purchase 50,000 square feet of office space.

The changes to the building primarily result from UNCF proposed purchase, but also result from Radio One desiring more office space and their desire to have available to them expansion space within the building. UNCF also proposes to use some of the ground floor retail space for a “College of Knowledge.” This College of Knowledge would provide information to the community regarding how to prepare for college and financial aid packages that may be available. In combination with other ground floor uses, such as multiple lobbies and core features of the building, less than 0.50 FAR would be available for retail, services and arts-related uses. The applicant proposes to provide 2,328 square feet of retail space on the mezzanine level to make up for some of the lost commercial space.

Total number of parking spaces available within the garage is proposed to increase by 17 due to a request for additional parking by the proposed office users of the building. Similar to the approved parking plan, approximately 30 of those spaces would be tandem, and therefore not meet the definition of a parking space. However, as only 146 spaces are required, the proposal would still be in conformance with Chapter 21 of the Zoning Regulations and additional relief to permit the tandem spaces not required.

The reduction in the amount of square footage devoted to apartments reduces the number provided from 180 to 125, or 55 fewer units. Twenty-five percent of the units would still be affordable, but the number provided reduces from 45 to 32. In addition, DHCD has requested that the distribution of the affordable units within the 51 to 80 percent range be increased by four, with the four units being taken those proposed to be provided within the 81 to 120 percent range.

Shifting of the uses within the building, and the amount of square footage dedicated to each use, results in the need to redesign portions of the building. As a result some core features of the building have been shifted.

ZONING AND HISTORIC PRESERVATION

The approved PUD included a PUD-related map amendment to the ARTS/C-2-C district. No change is requested for that designation. The northern portion of the site is located within the Greater U Street Historic District.

Zoning Tabulation

	ARTS/C-2-B MOR	ARTS/C-2-C PUD	Approved	Proposed
Min. lot area	N/A	15,000 SF	51,062	50,833 ¹
TOTAL FAR	3.5	6.0	6.30	No change
-Nonresidential	2.5	2.5	2.50	3.60
-Residential	--	--	3.80	2.69
Height	65 feet	90 feet	90 feet	No change
Lot Occupancy	80%	80% (90% with IZ)	88%	No change
Rear Yard	15feet	15 feet	45feet	No change
Parking ²	Office: 88 Retail: 27 <u>Residential: 31</u> TOTAL: 146	Office: 88 Retail: 27 <u>Residential: 31</u> TOTAL: 146	Office: 88 Retail: 27 <u>Residential: 62</u> TOTAL: 177	Office/Retail: 144 <u>Residential: 50</u> TOTAL: 194
Ground-level Retail FAR	0.50	0.50	0.50	0.41*

Table 1

* Flexibility required pursuant to § 1901.1

The application would increase the number of vehicles that could be parked on-site by seventeen. If this application is set down by the Commission, the Office of Planning would work with the applicant to determine the effect this would have on the traffic impacts to the site and the use of transit to get to and from the building.

FLEXIBILITY

FAR

The applicant was granted flexibility to the provision of FAR, permitting an increase in total FAR from 3.5 to 6.3. No change in the total FAR is requested. However, the maximum nonresidential FAR permitted is 2.5. In order to accommodate the two principal office users, Radio One and UNCF, an increase in nonresidential FAR is requested, from 2.5 to 3.6.

Retail and Service Uses

The ARTS Overlay District requires a minimum FAR of 0.50 be allocated to retail, service and arts-related uses on the ground floor. The subject application proposes to reduce this to 0.41. The proposal to provide studio space for Radio One and UNCF's College of Knowledge on the ground floor results in this decrease in ground-level floor area devoted to retail, service and arts-related uses.

PUD EVALUATION STANDARDS

The purpose and standards for Planned Unit Developments are outlined in 11 DCMR, Chapter 24. Section 2400.1 states that a PUD is “*designed to encourage high quality developments that provide public benefits.*” The proposed development would be constructed in a neighborhood that has been planned for significant new mixed-use development. In order to maximize the use of the site consistent with the zoning regulations and be compatible with the surrounding community, the applicant is requesting that the proposal be reviewed as a consolidated PUD. This would allow the utilization of the flexibility stated in Section 2400.2.

“The overall goal is to permit flexibility of development and other incentives, such as increased building height and density; provided, that the project offers a commendable number of quality public benefits and that it protects and advances the public health, safety, welfare, and convenience.”

¹ Following a resurvey of the site the lot area was amended.

² Parking required has been revised to reflect current proposal, with the exception of the ‘Approved’ column, which reflects Z.C Order No. 07-07.

The proposed development brings with it a number of qualities that would benefit the public and in particular this neighborhood. The development provides the opportunity for Radio One to return its headquarters to the District, while redeveloping a significantly underused parcel adjacent to a Metrorail station. The project would add approximately 125 new residential units and over 150,000 square feet of office space. The building would contain ground-level neighborhood serving retail that would serve to help enhance and improve the 7th Street corridor.

Section 2403 further outlines the standards under which the application is evaluated.

2403.3 The impact of the project on the surrounding area and the operation of city services and facilities shall not be found to be unacceptable, but shall instead be found to be either favorable, capable of being mitigated, or acceptable given the quality of public benefits in the project.

The development of the site would contribute to the general improvement of the area, redevelop an unused transit site, and have a positive impact on the revitalization of the area. City services such as water and sewer are currently available to the site.

PUBLIC BENEFITS AND AMENITIES

The proposed modifications would have an effect on the benefits and amenities package that was approved as a part of the PUD, as discussed below.

Affordable Housing and Workforce Housing

The order requires the applicant to maintain 25 percent of the dwelling units as affordable. The applicant now proposes to reduce the number of units from 180 to 125, or 55 fewer dwellings, reducing the total number of affordable dwelling units by thirteen, but still maintaining the minimum 25 percent requirement. In addition, the Department of Housing and Community Development (DHCD) has required that the total number of units within the 51 to 80 percent of area median income (AMI) range be increased to satisfy their underwriting requirements. Therefore, the application proposes to amend the affordable housing benefit as follows:

<i>Percent of AMI</i>	<i>Approved under Order 07-07</i>	<i>Proposed</i>
31 to 50	18 units (10%)	13 units (10%)
51 to 80	9 units (5%)	11 units (9 %)
81 to 120	18 units (10%)	8 units (6.5%)
TOTAL	45 units (25%)	32 units (25.5%)

Table 2

If this application is set down by the Commission, the Office of Planning will work with the applicant to ensure that these affordable units are evenly distributed throughout the building.

Low Impact Development Features

The approved PUD proposed the provision of a green roof. However, the redesign of the building would result in the relocation of core features of the building, including stairwells, elevator overrides and roof structures. The shifting of these features would have an impact on the proposed green roof. If this application is set down by the Commission, the Office of Planning will work with the applicant to determine what, if any effect, the relocation of core features would have on the green roof.

Retail Space

The approved PUD would provide ten percent of the retail space to qualified existing or emerging local businesses at reduced rents. Although the applicant would still provide ten percent of the retail space to these businesses, the total amount of ground-level retail space is proposed to be reduced approximately 4,689 square feet, which would reduce the amount of retail space available to local businesses by approximately 469 square feet.

COMPREHENSIVE PLAN

The Future Land Use Map recommends mixed land use, consisting of medium density residential and medium density commercial. The proposed modifications to the building would not be inconsistent with this designation.

The modified PUD would also not be inconsistent with the following policies of the Comprehensive Plan.

Policy LU-1.3.1: Station Areas as Neighborhood Centers

Encourage the development of Metro stations as anchors for economic and civic development in locations that currently lack adequate neighborhood shopping opportunities and employment. The establishment and growth of mixed use centers at Metrorail stations should be supported as a way to reduce automobile congestion, improve air quality, increase jobs, provide a range of retail goods and services, reduce reliance on the automobile, enhance neighborhood stability, create a stronger sense of place, provide civic gathering places, and capitalize on the development and public transportation opportunities which the stations provide.

Policy LU-1.3.2: Development Around Metrorail Stations

Concentrate redevelopment efforts on those Metrorail station areas which offer the greatest opportunities for infill development and growth, particularly stations in areas with weak market demand, or with large amounts of vacant or poorly utilized land in the vicinity of the station entrance. Ensure that development above and around such stations emphasizes land uses and building forms which minimize the necessity of automobile use and maximize transit ridership while reflecting the design capacity of each station and respecting the character and needs of the surrounding areas.

Policy LU-1.4.1: Infill Development

Encourage infill development on vacant land within the city, particularly in areas where there are vacant lots that create “gaps” in the urban fabric and detract from the character of a commercial or residential street. Such development should complement the established character of the area and should not create sharp changes in the physical development pattern.

Policy LU-1.4.2: Long-Term Vacant Sites

Facilitate the reuse of vacant lots that have historically been difficult to develop due to infrastructure or access problems, inadequate lot dimensions, fragmented or absentee ownership, or other constraints. Explore lot consolidation, acquisition, and other measures which would address these constraints.

Policy H-1.1.1: Private Sector Support

Encourage the private sector to provide new housing to meet the needs of present and future District residents at locations consistent with District land use policies and objectives.

Policy ED-1.1.3: Diversification

Diversify the District’s economy by targeting industries with the greatest potential for growth, particularly technology-based and creative industries, retail, international business, and the building trades.

Policy ED-1.1.5: Use of Large Sites

Plan strategically for the District’s remaining large development sites to ensure that their economic development potential is fully realized. These sites should be viewed as assets that can be used to revitalize neighborhoods and diversify the District economy over the long term. Sites with Metrorail access, planned light rail access, and highway access should be viewed as opportunities for new jobs and not exclusively as housing sites.

Policy ED-1.3.1: Technology-Intensive Industries

Aggressively pursue technology-based and creative industries, such as computer systems design, information services, data processing, and broadcasting firms. Promote the development of space that is attractive to these firms, both in new and existing buildings. Such space should include relatively lower-cost, large floor plate buildings with high load-bearing capacity and good access to transportation.

Policy ED-1.3.3: Media and Design

Capitalize on the success of established broadcast media and design companies by continuing to grow these industries, and by growing related industries such as web design and multimedia content.

Policy ED-1.3.4: Incentives

Provide incentives, marketing efforts, and zoning tools to attract and retain “knowledge cluster” and creative industries. Take full advantage of federal incentives, such as research and development tax credits, to attract such firms.

Policy ED-2.1.3: Signature Office Buildings

Emphasize opportunities for build-to-suit/signature office buildings in order to accommodate high-end tenants and users and corporate headquarters.

Policy NNW-2.1.3: Shaw/Howard University and Mount Vernon Square Metro Stations

Encourage mixed-income residential development with underground parking adjacent to the Shaw/Howard and Mount Vernon Square Metro stations, particularly on existing surface parking lots.

The proposed modifications to the PUD would enable it to continue to provide for a mixed-use building adjacent to a Metrorail station. It would continue to facilitate the consolidation of a several smaller lots for the construction of a building that would house the headquarters of a broadcast media firm that would relocate its offices to the District. The building would contain the headquarters of Radio One and also house offices of the United Negro College Fund, which would provide services to the community on planning, applying and attending college. Although the residential component of the building is proposed to be decreased, 125 apartment units would still be provided. A minimum of 25 percent of the units would be designated as affordable, allowing for a wide range of income levels.

“DUKE” & CONVENTION CENTER AREA PLANS

The proposal is consistent with both the DUKE plan and the Convention Center Plan. Each calls for the development of a retail corridor along 7th Street anchored by a medium-density mixed-use development at this location. Specifically, the DUKE plan addressed this site in calling for sustainable retail and destination uses, along with “place-making” around the Howard Theatre. The DUKE plan contemplated a 6.0 FAR building 90 feet in height on this site, along with strong affordable housing and local business components. The proposed building continues to be consistent with these recommendations.

AGENCY REFERRALS

If this application is set down for a public hearing, it will be referred to the following District government agencies for review and comment:

1. Department Fire and Emergency Medical Services
2. Department of Housing and Community Development
3. District Department of Transportation
4. Department of Public Works
5. Metropolitan Police Department
6. Water and Sewer Authority

COMMUNITY COMMENTS

The Office of Planning is not aware of any ANC or community comments on this application.

RECOMMENDATION

The Office of Planning finds the proposed major modifications to not be inconsistent with the Comprehensive Plan and recommends that the application be set down for public hearing.

JS/sjm^{AICP}

Case Manager: Stephen J. Mordfin, AICP